Reg. No. M. 1175.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 86] BANGALORE, THURSDAY, MAY 24, 1951. [No. 21

PART IV

Section I-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 88--Legis. 3-50-21, dated Bangalore, 16th April 1951.

Ordered that the accompanying Notification No. S.R.O. Code of Civil Procedure (Second Amendment) Bill, 1951 (No. 18 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 17th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

BILL No. 18 OF 1951.

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(1) This Act may be called the Code of Civil Procedure (Second Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of Order V, rule 25, Act V of 1908.—To rule 25 of Order V in the First Schedule to the Code of Civil Procedure, 1908, the following provisos shall be added, namely :

"Provided that where any such defendant resides in Pakistan, the summons, together with a copy thereof, may be sent for service on the defendant, to any court in that country (not being the High Court) having jurisdiction in the place where the defendant, resides :

Provided further that where any such defendant is a public officer in Pakistan (not belonging to the Pakistan military, naval or air forces) or is a servant of a railway company or local authority in that country, the summons, together with a copy thereof, may be sent for service on the defendant, to such officer or authority in that country as the Central Government may, by notification in the Official Gazette, specify in this behalf."

STATEMENT OF OBJECTS AND REASONS.

Under the existing law, a summons issued against a defendant residing in Pakistan in respect of a suit filed against him in this country can only be served upon him by post. The Government of Pakistan have now agreed to arrange on a reciprocal basis, for the issue of appropriate notifications under the proviso to section 29 of the Code of Civil Procedure, 1908, as in force in Pakistan whereby the courts in Pakistan will be bound to serve summonses sent to them by courts in India as if they were summonses issued by courts in Pakistan. The Government of Pakistan have also agreed, on a reciprocal basis, that summonses issued by courts in India to persons who may be public servants in Pakistan should be routed through the Home Secretary of the Province in which the public servant may have been employed or through the Secretary, Ministry of Interior, in the case of public servants serving under the Central Government of Pakistan and served on the public servants concerned by the Heads of the Departments. The Government of Pakistan have already taken legislative action to implement the agreement. It is necessary, therefore, to amend rule 25 of Order V of the Code of Civil Procedure, 1908, so as to enable courts in India to transmit a summons to a defendant residing in Pakistan to the appropriate court in Pakistan, and where the defendant is a public servant in Pakistan, to route the summons through such officer or authority in Pakistan as the Central Government may, by notification in the Official Gazette, specify in this behalf. The Bill is intended to achieve this object.

NEW DELHI,
The 9th March, 1951.

B. R. AMBEDKAR.

210 ANNEXURE.

EXTRACT FROM THE CODE OF CIVIL PROCEDURE, 1908 (ACT V OF 1908).

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THE FIRST SCHEDULE.

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ORDER V.

Issue and Service of Summons.

* * * *

25. Service where defendant resides out of the States and has no agent.— Where the defendant resides out of the States and has no agent in the States empowered to accept service, the summons shall be addressed to the defendant at the place where he is residing and sent to him by post, if there is postal communication between such place and the place where the Court is situate.

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M. N. KAUL,

Secretary.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.